

Remarks

This Application has been carefully reviewed in light of the Office Action mailed September 22, 2008. Although Applicants believe all claims are allowable without amendment, to advance prosecution Applicants have made a clarifying amendment to each of Claims 6, 9, and 12. These amendments are not considered narrowing or necessary for patentability and are not made in relation to any reference cited by the Examiner. Applicants respectfully request reconsideration and allowance of all pending claims.

I. The Indefiniteness Rejections should be Withdrawn

The Examiner rejects Claims 6, 9, and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although Applicants do not necessarily agree with the Examiner's comments, Applicants have made a clarifying amendment to each of Claims 6, 9, and 12 such that the second recitation of "a system" in the body of the claim now refers to "the system." Applicants respectfully submit that Claims 6, 9, 12 are definite in compliance with 35 U.S.C. § 112, second paragraph, and respectfully request reconsideration and allowance of these claims.

II. Allowed Claims

Applicants appreciate the Examiner's indication that "Claims 1-12 are deemed allowable over the prior art of record at this time, pending resolution of any rejections noted above" in the Office Action. (Office Action at 2). Applicants respectfully issue a statement commenting on the Examiner's statement of reasons for allowance of Claims 1-12 pursuant to 37 C.F.R. § 1.104. Applicants respectfully disagree with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations, or to any characterization of a reference by the Examiner.

III. No Waiver

All of Applicants' arguments and amendments are without prejudice or disclaimer. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Chad D Terrell, Attorney for Applicants, at the Examiner's convenience at (214) 953-6813.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: October 2, 2008

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